

## LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

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for March 3, 2004 PLANNING COMMISSION MEETING

**P.A.S.:** Street and Alley Vacation #03023

**PROPOSAL:** Vacate the north 10' of "Q" Street right-of-way adjacent to Lots 7, 8, and 9, Block 30, Original Plat of Lincoln.

**LOCATION:** 8<sup>th</sup> and "Q" Streets.

**LAND AREA:** 1,500 square feet, more or less.

**CONCLUSION:** Vacating this portion of right-of-way does not conform to the Comprehensive Plan. The handicapped accessible ramp can be built through a permit to use the right-of-way. Converting this area to private property for parking will continue to cause conflict between vehicles and pedestrians.

<b><u>RECOMMENDATION:</u></b>	Does Not Conform to the Comprehensive Plan
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### **GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** The north 10 feet of "Q" Street right-of-way adjacent to Lots 7, 8, and 9, Block 30, Original Lincoln, located in the SE 1/4 of Section 23 T10N R6E, Lancaster County, Nebraska.

### **SURROUNDING LAND USE AND ZONING:**

North:	Commercial	B-4 Lincoln Center Business District
South:	Commercial	B-4 Lincoln Center Business District
East:	Commercial	B-4 Lincoln Center Business District
West:	Commercial	B-4 Lincoln Center Business District

### **COMPREHENSIVE PLAN SPECIFICATIONS:**

The Land Use Plan shows the area around this vacation as Commercial. (F 25)

**Commercial:** Areas of retail, office and service uses. Commercial uses may vary widely in their intensity of use and impact, varying from low intensity offices, to warehouse, to more intensive uses such as gas stations, restaurants, grocery stores or automobile repair. Each area designated as commercial in the land use plan may not be appropriate for every commercial zoning district. The appropriateness of a commercial district for a particular piece of property will depend on a review of all the elements of the Comprehensive Plan. (F 22)

Streets and public spaces should be safe, comfortable, and interesting to the pedestrian. Properly configured, they encourage walking and enable neighbors to know each other and protect their communities. The street network should facilitate calm traffic conditions.... (F 19)

Streets and public spaces should be designed within each [commercial] center to enhance pedestrian activity and support multiple modes of transportation. ( 41)

Commercial locations should be easily accessible by all modes of transportation including pedestrian, bicycle, transit and automobiles. Centers should be especially accessible to pedestrians and bicycles with multiple safe and convenient access points. (F 42)

The overall objectives of the transportation plan include:

Increasing the use of alternate means of transportation, including public transportation, bicycle transit, and pedestrian movement, by improving and expanding facilities and services and encouraging compact, walkable land use patterns and project designs. (F 87)

Walking is an essential part of our daily activities, whether it be trips to work, shop, or play. Often pedestrian facilities are overlooked or merely added onto street improvement projects. However, to preserve and enhance the quality of life for Lincoln, consistent maintenance of the existing pedestrian system and additional facilities are needed. (F 89).

Five factors make up the quality of the pedestrian environment and define pedestrian level of service, including:

**Continuity** - The sidewalk system should be complete and without gaps. The pedestrian network in shopping centers should be integrated with adjacent activities.

**Security** - Pedestrians should be visible to motorists and other pedestrians. Pedestrians should be separated from motorists and bicycles. Adequate lighting should be provided. (F 89)

**TRAFFIC ANALYSIS:** There are several on-street parking stalls along “Q” Street adjacent to this property. The Haymarket parking garage is located immediately adjacent to the east, and a public surface parking lot is located approximately 1 block west. 8th and “Q” Streets are designated as Local streets both now and in the future. (E 49, F 103) However, because they are within the Haymarket, traffic is often steady and slow moving on these streets.

**Local Streets:** These are composed of all lower order facilities that essentially serve as a conduit between abutting properties and higher order streets. Local streets provide the lowest level of mobility and generally exhibit the lowest traffic volumes. (F 105)

**AESTHETIC CONSIDERATIONS:** Applicant has not submitted a design layout for the proposed parking area, however, it appears from the site any layout would continue to cause conflict between vehicles and pedestrians.

**ALTERNATIVE USES:** The proposed handicapped accessible ramp could be allowed through a permit to use the public right-of-way.

**ANALYSIS:**

1. This is an application to vacate the north 10' of "Q" Street right-of-way adjacent to a business for the purpose of providing employee parking and a handicapped accessible ramp.
2. Several visits to this site revealed vehicles parked within the public right-of-way in front of this business. This particular area is not paved, but has a rock surface; the remainder of the right-of-way is paved sidewalk, as shown in the attached photographs. The attached Lancaster County Assessor website photograph of this property shows two vehicles parked in the right-of-way. The attached aerial photograph of this property shows one vehicle parked in the right-of-way.
3. According to Lincoln Police Department, employees of this business have been parking in this location for years, and the property owner has asserted this area is his private property. However, maps of City right-of-way indicate the entire area up to the building face is public right-of-way.
4. The Public Works and Utilities and Urban Development Departments oppose this request because the entire area between the building and street is paved public sidewalk, with the exception of this area. Existing conditions already present conflicts between vehicles and pedestrians because vehicles must travel on the sidewalk to park here.

They also oppose vacating right-of-way for a handicapped accessible ramp since LMC §14.54 allows the use of public right-of-way for such a ramp through a permit issued by the Public Works and Utilities Department.

5. The Historic Preservation Committee discussed this application at their February 19, 2004 meeting. They voted 4-0 to recommend this petition be denied, citing the availability of a permit for the handicap ramp, and the importance of the area between curbs and building faces to pedestrians in this area. A memo from Historic Preservation Planner Ed Zimmer is attached briefly describing their discussion.
6. If this vacation is approved, several City departments are concerned other businesses in the Downtown area may seek similar vacations of irregular portions of the right-of-way for private parking use. Setting a precedent in this case may result in additional conflicts between motorists and pedestrians throughout Downtown.
7. Alltel and LES either have facilities within or near this area. If this area is vacated, easements should be retained for existing and future facilities, as well as public access.

8. Should the Planning Commission choose to find this request conforms to the Comprehensive Plan, Planning Staff recommends the following conditions.

**BEFORE THE VACATION REQUEST IS SCHEDULED ON THE CITY COUNCIL AGENDA THE FOLLOWING MUST BE COMPLETED:**

- 1.1 The provisions of Chapter 14.20 of the Lincoln Municipal Code must be met.
- 1.2 Provide an easement over the entire vacated area for existing and future public facilities and public access.

Prepared by:

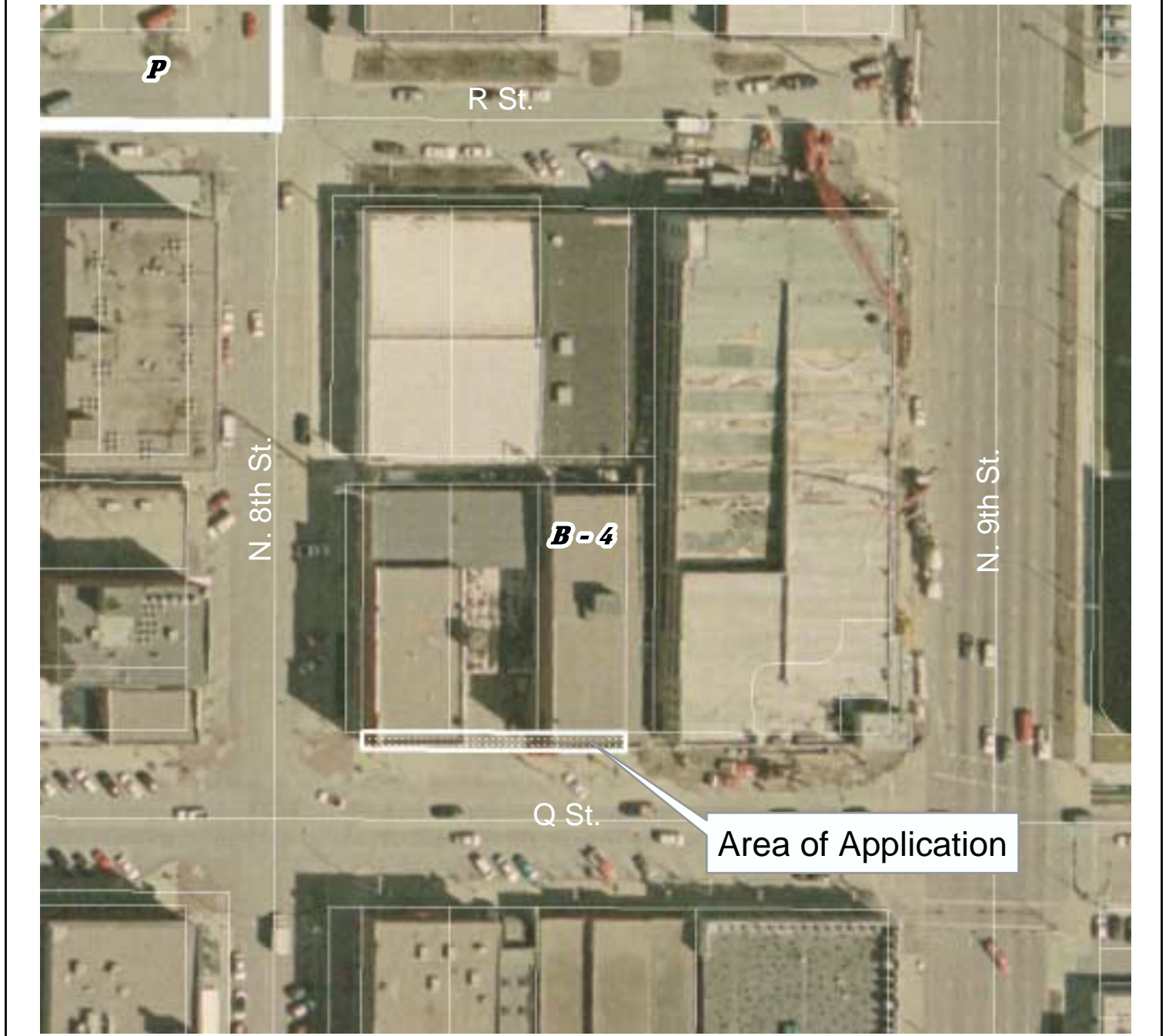
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Greg Czaplewski, 441.7620, [gczaplewski@ci.lincoln.ne.us](mailto:gczaplewski@ci.lincoln.ne.us)

**Date:** February 23, 2004

**Applicant:** Joyce and Henkle Company  
W. E. Henkle  
7901 Northshore Drive  
Lincoln, NE 68516  
488.0685

**Owner:** Same as Applicant

**Contact:** Same as Applicant



2002 aerial

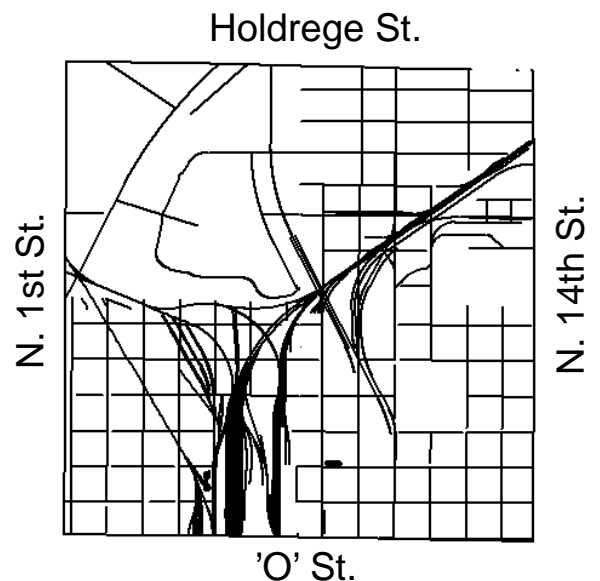
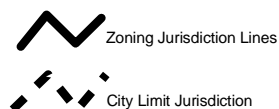
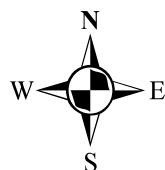
## Street & Alley Vacation #03023

### N. 8th & Q Street

#### Zoning:

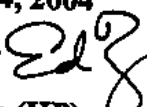
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile  
Sec. 23 T10N R6E



## PLANNING DEPARTMENT MEMO

TO: **Greg Czaplewski**  
Section: **Development Review**  
CC: **file**

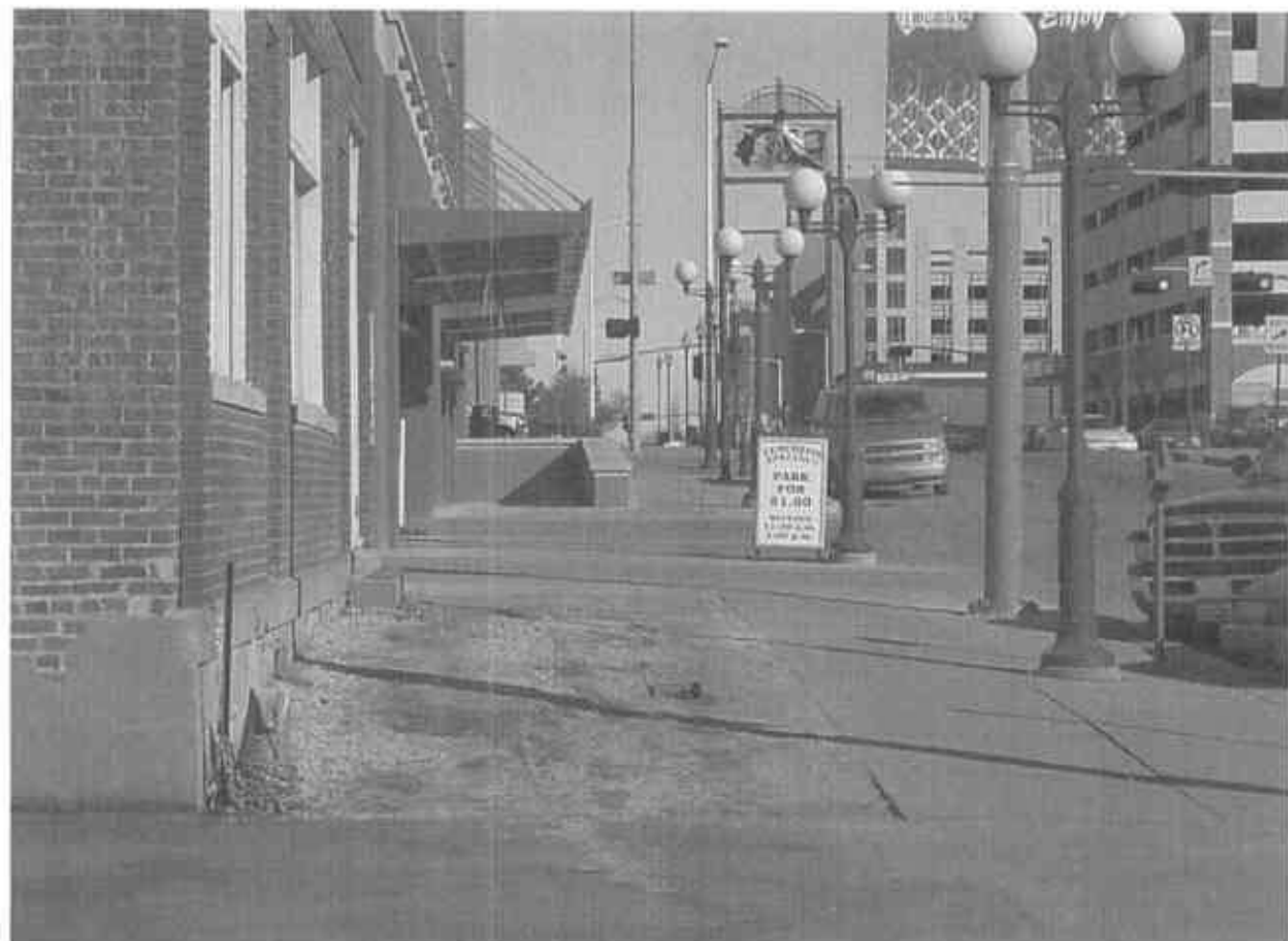
DATE: **February 24, 2004**  
FROM: **Ed Zimmer**   
Section: **Long Range (HP)**  
RE: **Historic Preservation  
Commission recommendation  
on petition to vacate Right-of-  
Way, North 8<sup>th</sup> and Q Streets**

On February 19, 2004, the Historic Preservation Commission held a regularly scheduled meeting. Among the items for hearing and action was a petition by Bill Henkle to vacate a 10 foot strip of ROW on the north side of Q Street east of N. 8<sup>th</sup> Street adjacent to "The Tool House."

Members present were Tim Francis, Bruce Helwig, Bob Ripley, and Terry Young. They reviewed the petition and discussed the request to vacate the ROW for parking and building access ramps/stairs. Members observed that ROW is commonly used in Haymarket for building access ramps under the "use of area above or below ROW" permitting procedures and a vacation was not necessary for that purpose. Comments were made that the ROW area between curbs and building faces is important for pedestrians, especially in Haymarket.

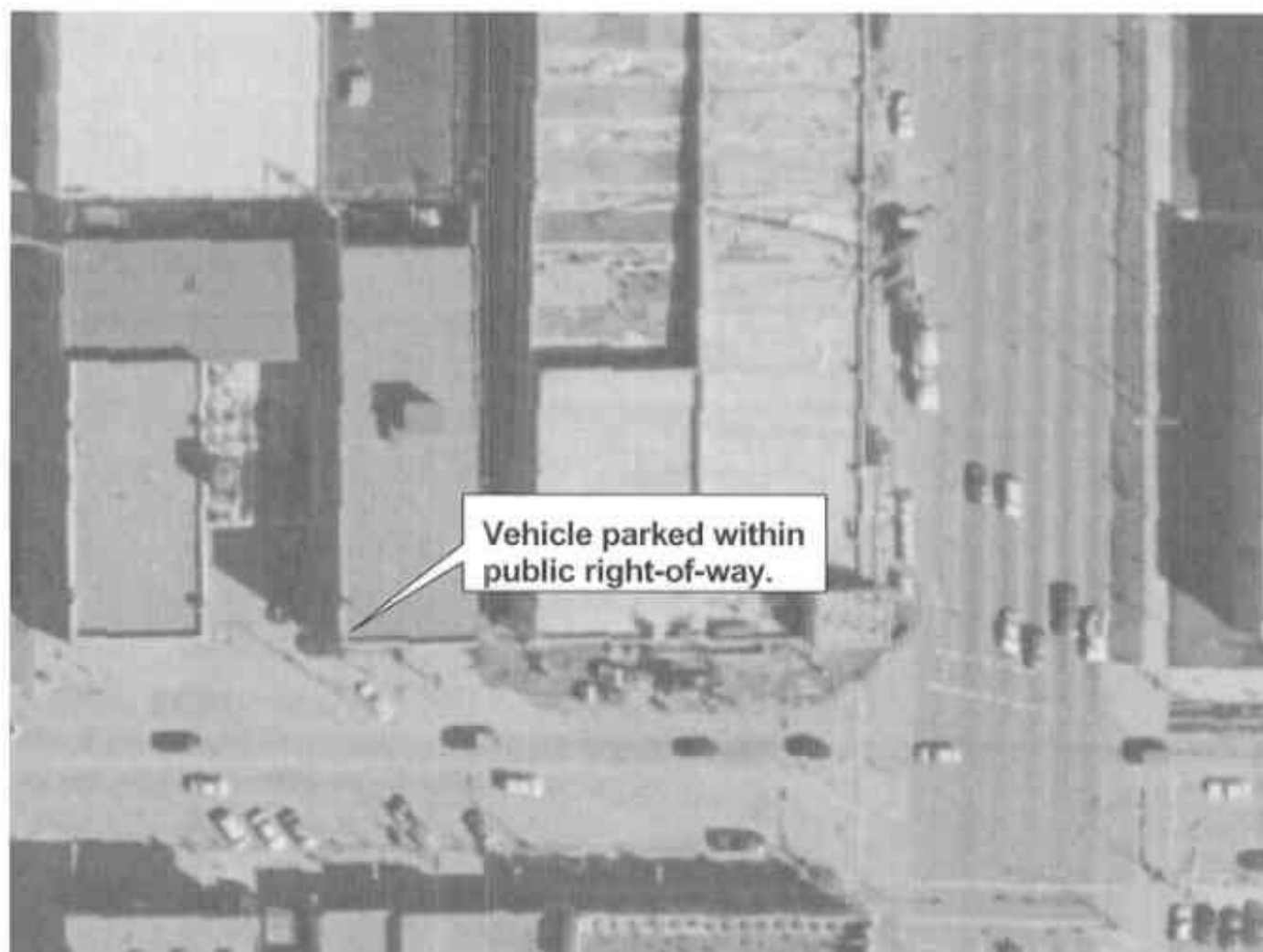
A motion was made and approved 4-0 to recommend that the petition to vacate the ROW be denied.

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Vehicle parked within  
public right-of-way.